

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NGHIA NGUYEN,
Plaintiff,
v.
NANCY FERNELIUS, et al.,
Defendant

CASE NO. 3:23-CV-5102-TMC-DWC

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed Plaintiff's second amended complaint, the Report and Recommendation of Chief Magistrate Judge David W. Christel, any objections thereto, and the remaining record, hereby finds and ORDERS:

- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's second amended complaint (Dkt. 37) and this action are DISMISSED without prejudice under 28 U.S.C. § 1915A(b) as to Defendant Washington State Department of Corrections. Plaintiff will be permitted to proceed with his claims against Defendants Coleman, Johnson, and Light.
- (3) Judge Christel shall issue an order directing service of Plaintiff's second amended complaint on Defendants Coleman, Johnson, and Light.

1 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
2 Defendants, and to the Honorable David W. Christel.

3 DATED this 16th day of January, 2024.
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7 Tiffany M. Cartwright
8 United States District Judge
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